

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION [CAF] NO.1143/2022
IN FIRST APPEAL ST.NO. 27457/2018.

IFFCO Tokio General Insurance Co.Ltd.

-VERSUS-

Ramesh Satyanarayanji Maloo and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A. Kukdey, Advocate for the Applicant.
Ms N.N. Burange, Advocate for Non-applicant No.1.

CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.

DATE : JULY 17, 2023.

Heard.

2. This is an application seeking condonation of delay of 230 days in preferring an appeal against the judgment and award passed by the Motor Accident Claims Tribunal. The learned Counsel appearing for Non-applicant No.1 fairly gave no objection to condone the delay.

3. Having regard to the reasons stated in the application and no objection given by other

side, Civil Application is allowed. Delay is condoned. Office to register the Appeal.

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First Appeal No. _____/2023.

Heard.

2. Admit.

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Civil Application No.1159/2022.

Heard.

2. This is an application seeking withdrawal of compensation amount which has been deposited by the appellant / insurance company in pursuance of the judgment and award passed by the Motor Accident Claims Tribunal in Claim Petition No.84/2004.

3. Pursuance to the said judgment and award the appellant has deposited an amount of Rs.26,59,704/-.

4. Considering the method of assessment of compensation vis-a-vis, the grounds raised in

the appeal, presently the applicant / respondent no.1 is permitted to withdraw an amount of Rs.15 lakhs, which is near about 50% of the compensation awarded. The applicant/ respondent no.1 shall give an undertaking that in case the appellant succeeds in the appeal, he would deposit the permitted amount along with interest @ 6% within a period of two months.

5. Civil Application is accordingly disposed of.

JUDGE

JUDGE